IN THE HIGH COURT OF UTTARANCHAL, AT NAINITAL.

Criminal Misc. Application No. 144/2004

Zahoor Ahmad ……..Applicant

Versus

State of Uttaranchal and others ……..Respondents

Hon'ble Irshad Hussain, J.

Heard Sri Manish Arora learned counsel for the applicant and learned A.G.A. Perused the record.

This is a petition under Section 482/483 of the Code of Criminal Procedure (for short 'Code') against the order dated 27.2.2004 passed by the Sessions Judge, Haridwar whereby the learned Sessions Judge transferred the session trial No. 320/2002 from one court to another in exercise of the jurisdiction vested under Section 408 of the Code. Initially, the trial was pending before the 4th F.T.C./Additional District Judge, Haridwar where only three witnesses were examined although the trial was pending since long. The application for transfer was moved from the side of the respondent-accused. The contention of the learned counsel for the applicant is that there was no delay on the part of the prosecution in producing the witnesses and therefore the order of transferring the case to another court, was not justified. Since the learned Sessions Judge has exercised jurisdiction which is vested under law after hearing the parties, I am not inclined to differ with the view of the Sessions Trial in transferring the session trial from one court to another. Considering this, the petition lack merit and is hereby dismissed in limine.

(Irshad Hussain, J.)

Dated 01.04.2004

Rawat